

Message Text

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ACTION EA-12

INFO OCT-01 ISO-00 AID-05 CIAE-00 COME-00 EB-08 FRB-03
INR-07 NSAE-00 USIA-06 TRSE-00 XMB-02 OPIC-03
SP-02 LAB-04 SIL-01 OMB-01 NSC-05 SS-15 STR-06
CEA-01 PA-01 PRS-01 L-03 /087 W
-----019864 270231Z /20
R 260414Z JAN 78
FM AMEMBASSY BANGKOK
TO SECSTATE WASHDC 8794

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EO 11652: N/A
TAGS: ECON, PINS, TH
SUBJ: RTG TO USE ARTICLE 27 AGAINST ECONOMIC CRIMES

REF: BANGKOK 2262

1. AFTER JANUARY 24 MEETING WITH RTG CABINET, WHICH WAS EXTENSIVELY REPORTED IN THE LOCAL PRESS, PRIME MINISTER KRIANGSAK CHOMANAN ANNOUNCED HE INTENDS TO USE SUMMARY POWERS UNDER ARTICLE 27 OF INTERIM CONSTITUTION TO PROTECT THAILAND'S NATURAL RESOURCES AND FIGHT SERIOUS ECONOMIC CRIMES. ACCORDING TO OFFICIAL ANNOUNCEMENT, NEW MEASURES UNDER ARTICLE 27 WILL BE DIRECTED IN PARTICULAR AT 1) POACHING OF TIMBER, 2) FISHING BY MDUNS OF ELECTROCUTION OR DYNAMITE AND 3) SMUGGLING OF MINERALS AND COMMODITIES INCLUDING RICE AND SUGAR OUT OF THAILAND AND CONTRABAND IN. NEW MEASURES WILL NOT, HOWEVER, BE APPLIED RETROACTIVELY AND PRESENT VIOLATORS WILL BE GIVEN "OPPORTUNITY", PRESUMABLY SHORT GRACE PERIOD, TO DISCONTINUE ILLEGAL ACTIVITIES. IN FUTURE NOT ONLY WILL VIOLATORS FACE SEVERE PUNISHMENT BUT RTG WILL CONFISCATE ANY EQUIPMENT, REGARDLESS OF OWNERSHIP, INVOLVED IN PROSCRIBED ACTIVITIES. GOVERNMENT OFFICIALS WHO COLLABORATE IN ILLEGAL ACTIVITIES OR ACCEPT BRIBES WILL BE FUNISHED ACCORDING TO THE APPLICABLE RTG DISCIPLINARY REGULATIONS AND
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PROSECUTED UNDER CRIMINAL LAWS.

2. COMMENT: AS DESCRIBED IN REFTTEL, THAILAND IS FACING MONUMENTAL PROBLEMS OF FUTURE DEFORESTATION. NEW RTG IS FULLY AWARE OF PROBLEMS BUT HARDLY SANGUINE THAT MEASURES TAKEN THUS FAR INCLUDING BAN ON EXPORT OF TEAK, CAN REVERSE CURRENT TREND IN FACE OF BLATANT DISREGARD OF LAWS AND WIDESPREAD CORRUPTION.

SMUGGLING, WITH ITS OBVIOUS LOSS OF REVENUE TO RTG TREASURY, HAS BEEN SIMILARLY INTRACTABLE PROBLEM. UNDER PRESENT CIRCUMSTANCES RTG APPARENTLY BELIEVES EXTREME MEASURES UNDER ARTICLE 27 ARE JUSTIFIED. IT IS INTERESTING TO NOTE THAT PRIME MINISTER KRIANGSAK HAS APPROVED USE OF EXTRAORDINARY POWERS UNDER ARTICLE 27 FOR THIS PURPOSE, ALTHOUGH KRIANGSAK HAS GENERALLY TAKEN THE POSITION THAT SUCH POWERS SHOULD BE USED SPARINGLY AND THAT ORDINARY CRIMINAL PROCEEDINGS SHOULD BE USED WHERE POSSIBLE. IT SEEMS CLEAR THAT KRIANGSAK HAS BEEN CONVINCED THAT THE SITUATION

AFFECTING THAILAND'S FORESTS AND TIN RESOURCES IS SERIOUS ENOUGH TO REQUIRE TAKING DRASTIC ACTION.
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Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CRIMES, NATURAL RESOURCES
Control Number: n/a
Copy: SINGLE
Draft Date: 26 jan 1978
Decaption Date: 20 Mar 2014
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978BANGKO02652
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780039-1167
Format: TEL
From: BANGKOK
Handling Restrictions:
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780121/aaaaarrf.tel
Line Count: 75
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 2f4b09e0-c288-dd11-92da-001cc4696bcc
Office: ACTION EA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: ONLY
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: ONLY
Reference: 78 BANGKOK 2262
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 05 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3712994
Secure: OPEN
Status: NATIVE
Subject: RTG TO USE ARTICLE 27 AGAINST ECONOMIC CRIMES
TAGS: ECON, PINS, TH
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/2f4b09e0-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014